**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929**

**WP(C).No. 23828 of 2003(J)**
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**PETITIONER:**
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**N.K.NARAYANANKUTTY, AGED 73 YEARS,**
**S/O. LEXMIKUTY AMMA, "KRISHNAPURAM",**
**VANIYAM LANE, PONKUNNAM, THRISSUR-2**

**BY ADV. SRI.K.ANAND**

**RESPONDENTS:**
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**1. THE DIVISIONAL FOREST OFFICER,**
**PALAGHAT.**

**2. THE FOREST RANGE OFFICER,**
**OLAVAKODE, PALAGHAT DISTRICT**

**BY GOVERNMENT PLEADER SRI.RENJITH THAMPAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007,ALONG WITH WPC 2109/2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C0 NO.23828/2003**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE TITLE DEED DT. 3.6.77.**

**EXT.P2:- COPY OF THE ORDER DT. 30.9.76 IN OA. 1229/74 OF THE FOREST TRIBUNAL PALGHAT.**

**EXT.P3:- COPY OF THE REPRESENTATION DT. 15.2.95 SENT BY PETITIONER TO THE RESPONDENT.**

**EXT.P3(a):- COPY OF THE ACKNOWLEDGEMENT CARD IN RECEIPT OF EXT.P3 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.**

**/TRUE COPY/**

**P.A. TO JUDGE**

**tss**

**KURIAN JOSEPH, J.**

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**W.P. (C). NO. 23828 OF 2003**

**&**

**W.P. (C). NO. 2109 OF 2006**

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**Dated this the 31st day of October, 2007.**

**J U D G M E N T**

The essential grievance of the writ petitioners, who are husband and wife respectively, is that they are not restored the land covered by Exhibit P1 document.

2. In the counter affidavit filed on behalf of the Forest Department, it is stated that "It is submitted that the respondents in the Writ Petition have to complete all the administrative formalities to restore the area to the applicant in the OA. The Survey sketches of the area have to be received from the survey party, Forest Mini survey, Thiruvananthapuram". That counter affidavit was filed on 28.04.2004. Now it is more than three years. It is submitted that even now the property has not been restored. Petitioners claim that they are the subsequent purchasers of the property. I do not find any justification for the undue delay in finalising the proceedings. Therefore, these writ petitions are disposed of with the following direction:

There will be a direction to the first respondent to finalise the proceedings for restoration as stated in the counter affidavit and referred to above, with notice to the petitioners and take appropriate action in accordance with law in the matter of restoration, within a period of one month from the date of production of a copy of this judgment by the petitioners.

**KURIAN JOSEPH, JUDGE.**

smp